

per cent of alcohol by volume, or to possess, receive, manufacture or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and be further amended by adding thereto Section 2, making proof of possession of mash, or of a still or any device for manufacturing intoxicating liquors, or proof of the possession of more than one quart of intoxicating liquors prima facie evidence of guilt wherever possession or receipt, or possession or receipt for the purpose of sale, is made unlawful by this act; and amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a, with reference to seizure and destruction of the vehicles and instrumentalities used for the violation of the liquor laws of this State, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

NINTH DAY.

(Thursday, April 26, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Coffee.
Amsler.	Collins.
Arnold.	Covey.
Atkinson.	Cowen.
Avis.	Crawford.
Baker of Milam.	Davenport.
Baker of Orange.	Davis.
Barker.	DeBerry.
Barrett.	Dodd.
Beasley.	Downs.
Bell.	Driggers.
Bonham.	Duffey.
Bryant.	Dunlap.
Burmeister.	Dunn.
Cable.	Durham.
Carpenter	Edwards.
of Dallas.	Fields.
Carpenter	Finlay.
of Matagorda.	Fugler.
Carson.	Gipson.
Carter of Hays.	Green.
Chitwood.	Greer.

Hardin of Erath.	Perdue.
Hardin	Pinkston.
of Kaufman.	Pool.
Harrington.	Pope.
Harris.	Potter.
Henderson	Price.
of Marion.	Purl.
Henderson	Quaid.
of McLennan.	Quinn.
Hendricks.	Rice.
Houston.	Robinson.
Howeth.	Rountree.
Irwin.	Rowland.
Jacks.	Russell
Jennings.	of Callahan.
Johnson.	Russell of Trinity.
Jones.	Sackett.
Kemble.	Sanford.
Lackey.	Satterwhite.
Laird.	Shearer.
Lane.	Shires.
LeMaster.	Simpson.
LeSturgeon.	Smith.
Lewis.	Sparkman.
Loftin.	Stell.
Looney.	Stewart
McDaniel.	of Edwards.
McDonald.	Stewart of Jasper.
McFarlane.	Stewart of Reeves.
McNatt.	Stiernberg.
Martin.	Stroder.
Mathes.	Sweet.
Maxwell.	Teer.
Merritt.	Thrasher.
Miller.	Vaughan.
Montgomery.	Wallace.
Moore.	Wells.
Morgan	Westbrook.
of Liberty.	Wessels.
Morgan	Williamson.
of Robertson.	Wilmans.
Pate.	Wilson.
Patman.	Winfree.
Patterson.	Young.

Absent.

Dielmann.	Lamb.
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Absent—Excused.

Baldwin.	Lusk.
Bird.	McBride.
Blount.	McKean.
Bobbitt.	Melson.
Carter of Coke.	Merriman.
Culp.	Rogers.
Dinkle.	Stevens.
Faubion.	Storey.
Frnka.	Strickland.
Hughes.	Thompson.
Hull.	Turner.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Culp for today and tomorrow, on motion of Mr. Young.

Mr. Turner for today, on motion of Mr. Shearer.

Mr. Faubion for yesterday and today, on motion of Mr. Teer.

Mr. McKean for today, on motion of Mr. Carter of Hays.

Mr. Hull for today, on motion of Mr. Jacks.

Mr. Strickland for today and tomorrow, on motion of Mr. Wessels.

Mr. Storey for today, on motion of Mr. Loftin.

Mr. Purl for today, on motion of Mr. Green.

Mr. Thompson for today and remainder of week, on motion of Mr. Davis.

Mr. Carter of Coke for yesterday and balance of week, on motion of Mr. Lewis.

The following members were granted leaves of absence on account of sickness:

Mr. Rogers for today, on motion of Mr. Burmeister.

Mr. McBride for today and tomorrow, on motion of Mr. Perdue.

The following members were granted leaves of absence on account of important committee work:

Messrs. Dinkle, Stevens and Melson for today, on motion of Mr. Maxwell.

BILL ORDERED PRINTED.

Mr. Abney moved that House bill No. 39, reported adversely with a minority favorable report, be printed.

Yeas and nays were demanded and the motion to print prevailed by the following vote:

Yeas—54.

Abney.	Dodd.
Avis.	Downs.
Baker of Milam.	Driggers.
Baker of Orange.	Gipson.
Beasley.	Green.
Bell.	Greer.
Bonham.	Hardin of Erath.
Bryant.	Henderson
Burmeister.	of Marion.
Carter of Hays.	Henderson
Coffee.	of McLennan.
Crawford.	Howeth.
Davis.	Lane.

Loftin.
McFarlane.
McNatt.
Martin.
Maxwell.
Moore.
Morgan
of Liberty.
Pate.
Patman.
Patterson.
Perdue.
Pinkston.
Quaid.
Quinn.
Rice.

Robinson.
Rountree.
Sanford.
Satterwhite.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Stroder.
Teer.
Thrasher.
Vaughan.
Wallace.
Wells.
Young.

Nays—48.

Amsler.
Atkinson.
Barker.
Barrett.
Blount.
Cable.
Carson.
Chitwood.
Collins.
Covey.
Cowen.
DeBerry.
Duffey.
Dunn.
Edwards.
Fields.
Finlay.
Fugler.
Hardin
of Kaufman.
Harrington.
Harris.
Hendricks.
Houston.
Jacks.

Jennings.
Lackey.
Laird.
LeMaster.
LeStourgeon.
Lewis.
Looney.
McDaniel.
Mathes.
Merritt.
Miller.
Rowland.
Russell of Trinity.
Sackett.
Shearer.
Simpson.
Smith.
Sparkman.
Stiernberg.
Sweet.
Westbrook.
Wessels.
Wilson.
Winfree.

Present—Not Voting.

Mr. Speaker.

Wilmans.

Absent.

Arnold.
Carpenter
of Dallas.
Carpenter
of Matagorda.
Davenport.
Dielmann.
Dunlap.
Durham.
Irwin.
Johnson.
Jones.
Kemble.
Lamb.

McDonald.
Montgomery.
Morgan
of Robertson.
Pool.
Pope.
Potter.
Price.
Purl.
Russell
of Callahan.
Shires.
Stewart of Reeves.
Williamson.

Absent—Excused.

Baldwin.
Bird.

Bobbitt.
Carter of Coke.

Culp.	Melson.
Dinkle.	Merriman.
Faubion.	Rogers.
Frnka.	Stevens.
Hughes.	Storey.
Hull.	Strickland.
Lusk.	Thompson.
McBride.	Turner.
McKean.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 26, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed

S. B. No. 20, A bill to be entitled
"An Act making an appropriation for
additional inspectors for the Live Stock
Sanitary Commission to pay compensa-
tion or expenses of such inspectors, said
appropriation to be available for the
fiscal year ending August 31, 1923, and
declaring an emergency."

Respectfully,
RICHARD BLALOCK,

Assistant Secretary of the Senate.

RELATING TO APPROPRIATING
MONEY FOR THE PUBLIC
SCHOOLS OF TEXAS.

Mr. Patman offered the following res-
olution:

H. C. R. No. 3, Relating to appro-
priating certain sum for public schools:

Whereas, The efficiency of the public
school system depends largely upon ade-
quate financial support;

Whereas, The public free schools are
not provided with sufficient money to
properly supply the schools with good
teachers and maintain the term for as
long as an average of five months per
year;

Whereas, A per capita apportionment
of fifteen dollars would provide the pub-
lic free schools of this State with well
qualified, experienced teachers and
would support a term of five months;
therefore, be it

Resolved by the House of Represent-
atives, the Senate concurring, That suffi-
cient appropriation should be made
from any money in the State Treasury,
not otherwise appropriated, to be added
to the State available school fund de-
rived from all other sources to enable
the State Board of Education to make
a minimum per capita apportionment of
the State available school fund of fifteen

dollars each year for the biennium be-
ginning September 1, 1923, and ending
August 31, 1925.

The resolution was read second time.

Mr. Henderson of Marion moved that
the resolution be referred to the Com-
mittee on Education.

Yeas and nays were demanded, and
the motion to refer prevailed by the
following vote:

Yeas—66.

Arnold.	LeMaster.
Avis.	LeStourgeon.
Baker of Milam.	Loftin.
Barker.	McDonald.
Bell.	Martin.
Blount.	Mathes.
Burmeister.	Maxwell.
Carpenter	Merritt.
of Dallas.	Miller.
Carson.	Moore.
Chitwood.	Morgan
Covey.	of Liberty.
Cowen.	Morgan
Crawford.	of Robertson.
DeBerry.	Perdue.
Dunn.	Pope.
Edwards.	Purl.
Fugler.	Quaid.
Gipson.	Rowland.
Hardin of Erath.	Sackett.
Hardin	Satterwhite.
of Kaufman.	Shearer.
Harrington.	Smith.
Harris.	Sparkman.
Henderson	Stewart of Jasper.
of Marion.	Stewart of Reeves.
Henderson	Stiernberg.
of McLennan.	Stroder.
Houston.	Sweet.
Jacks.	Teer.
Jennings.	Thrasher.
Jones.	Westbrook.
Kemble.	Williamson.
Lackey.	Winfree.
Laird.	Young.
Lane.	

Nays—40.

Abney.	Fields.
Amsler.	Finlay.
Barrett.	Green.
Beasley.	Greer.
Bryant.	Hendricks.
Cable.	Howeth.
Carter of Hays.	Lewis.
Coffee.	Looney.
Collins.	McDaniel.
Davis.	McFarlane.
Dodd.	Pate.
Downs.	Patman.
Driggers.	Pinkston.
Duffey.	Price.
Durham.	Quinn.

Rice.	Stell.
Robinson.	Wallace.
Rountree.	Wessels.
Sanford.	Wilmans.
Simpson.	Wilson.

Present—Not Voting.

Mr. Speaker.

Absent.

Atkinson.	Montgomery.
Baker of Orange.	Patterson.
Bonham.	Pool.
Carpenter	Potter.
of Matagorda.	Russell
Davenport.	of Callahan.
Dielmann.	Russell of Trinity.
Dunlap.	Shires.
Irwin.	Stewart
Johnson.	of Edwards.
Lamb.	Vaughan.
McNatt.	Wells.

Absent—Excused.

Baldwin.	McBride.
Bird.	McKean.
Bobbitt.	Melson.
Carter of Coke.	Merriman.
Culp.	Rogers.
Dinkle.	Stevens.
Faubion.	Storey.
Frnka.	Strickland.
Hughes.	Thompson.
Hull.	Turner.
Lusk.	

SENATE BILL NO. 18 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 18, A bill to be entitled "An Act continuing the work of the State Reclamation Engineer in connection with the defense and prosecution of suits affecting the boundaries of the State of Texas; authorizing the marking of such boundaries, making an emergency appropriation of twenty thousand dollars (\$20,000) therefor, and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 18 ON THIRD
READING.

Mr. Satterwhite moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—91.

Mr. Speaker.	Loftin.
Abney.	McDaniel.
Amsler.	McDonald.
Arnold.	McFarlane.
Avis.	Martin.
Baker of Milam.	Mathes.
Baker of Orange.	Maxwell.
Barker.	Merritt.
Barrett.	Miller.
Beasley.	Moore.
Bell.	Morgan
Blount.	of Liberty.
Bonham.	Morgan
Bryant.	of Robertson.
Burmeister.	Pate.
Cable.	Perdue.
Carpenter	Pinkston.
of Dallas.	Pope.
Carson.	Purl.
Carter of Hays.	Quaid.
Chitwood.	Quinn.
Coffee.	Rice.
Collins.	Robinson.
Covey.	Rountree.
Cowen.	Rowland.
Crawford.	Russell of Trinity.
Downs.	Sackett.
Driggers.	Sanford.
Dunn.	Satterwhite.
Durham.	Shearer.
Fugler.	Simpson.
Gipson.	Smith.
Green.	Sparkman.
Greer.	Stell.
Harrington.	Stewart of Jasper.
Harris.	Stewart of Reeves.
Henderson	Stiernberg.
of McLennan.	Stroder.
Hendricks.	Sweet.
Houston.	Teer.
Howeth.	Thrasher.
Jacks.	Wells.
Jennings.	Westbrook.
Jones.	Williamson.
Kemble.	Wilmans.
Lackey.	Wilson.
Lane.	Winfree.
LeStourgeon.	Young.
Lewis.	

Nays—11.

Atkinson.	Hardin
Davis.	of Kaufman.
DeBerry.	Looney.
Dodd.	Patman.
Fields.	Wallace.
Finlay.	Wessels.

Present—Not Voting.

Price.

Absent.

Carpenter	Dielmann.
of Matagorda.	Duffey.
Davenport.	Dunlap.

Edwards.	Montgomery.
Hardin of Erath.	Patterson.
Henderson	Pool.
of Marion.	Potter.
Irwin.	Russell
Johnson.	of Callahan.
Laird.	Shires.
Lamb.	Stewart
LeMaster.	of Edwards.
McKean.	Vaughan.
McNatt.	

Absent—Excused.

Baldwin.	Lusk.
Bird.	McBride.
Bobbitt.	Melson.
Carter of Coke.	Merriman.
Culp.	Rogers.
Dinkle.	Stevens.
Faubion.	Storey.
Frnka.	Strickland.
Hughes.	Thompson.
Hull.	Turner.

The Speaker then laid Senate bill No. 18 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Green.
Amsler.	Greer.
Arnold.	Hardin of Erath.
Atkinson.	Harrington.
Avis.	Harris.
Baker of Milam.	Henderson
Baker of Orange.	of Marion.
Barker.	Henderson
Barrett.	of McLennan.
Beasley.	Hendricks.
Bell.	Howeth.
Blount.	Jacks.
Bonham.	Jennings.
Bryant.	Jones.
Burmeister.	Kemble.
Cable.	Lackey.
Carpenter	Lane.
of Dallas.	LeMaster.
Carson.	LeStourgeon.
Carter of Hays.	Lewis.
Chitwood.	Loftin.
Coffee.	McDaniel.
Collins.	McDonald.
Covey.	McFarlane.
Cowen.	Martin.
Crawford.	Mathes.
DeBerry.	Maxwell.
Dodd.	Merritt.
Downs.	Miller.
Driggers.	Moore.
Dunn.	Morgan
Durham.	of Liberty.
Finlay.	Morgan
Fugler.	of Robertson.
Gipson.	Pate.

Patman.	Smith.
Perdue.	Sparkman.
Pinkston.	Stell.
Pope.	Stewart of Jasper.
Purl.	Stewart of Reeves.
Quaid.	Stiernberg.
Quinn.	Stroder.
Rice.	Sweet.
Robinson.	Teer.
Rountree.	Thrasher.
Rowland.	Vaughan.
Russell of Trinity.	Westbrook.
Sackett.	Williamson.
Sanford.	Wilmans.
Satterwhite.	Wilson.
Shearer.	Winfree.
Shires.	Young.
Simpson.	

Nays—6.

Davenport.	Houston.
Davis.	Looney.
Hardin	Wessels.
of Kaufman.	

Absent.

Abney.	Merriman.
Carpenter	Montgomery.
of Matagorda.	Patterson.
Dielmann.	Pool.
Duffey.	Potter.
Dunlap.	Price.
Edwards.	Russell
Fields.	of Callahan.
Irwin.	Stewart
Johnson.	of Edwards.
Laird.	Wallace.
Lamb.	Wells.
Melson.	

Absent—Excused.

Baldwin.	Lusk.
Bird.	McBride.
Bobbitt.	McKean.
Carter of Coke.	McNatt.
Culp.	Rogers.
Dinkle.	Stevens.
Faubion.	Storey.
Frnka.	Strickland.
Hughes.	Thompson.
Hull.	Turner.

HOUSE BILL NO. 11 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 11, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes on land; providing compensation for the county attorney and other officials for service rendered in collecting such taxes; further providing for the employment of a special attorney to assist in collecting such taxes, amending

Section 1 of Chapter 147 of the Acts of the Regular Session of the Thirty-fourth Legislature as amended by Section 1 of Chapter 64 of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature, amending Section 2 of Chapter 147 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fourth Legislature; amending Articles 7688, 7689, 7691, 7692, 7696, 7699; repealing Article 7687 of the Revised Civil Statutes of the State of Texas of 1911, and Section 3, Chapter 147, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature as amended by Section 2, Chapter 64, of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature; adding to Chapter 13 of Title 126 of the Revised Statutes of Texas of 1911 a new article to be known as Article 7689a, limiting the defenses that may be urged in defense of a suit for delinquent taxes; repealing all laws in conflict with the provisions of this act, and declaring an emergency."

The bill was read third time.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 11 by adding, in line 1, page 4, the word "total" before the word "amount," and by striking out the words "any year or number of" in line 11, page 4, and insert the word "all," and by striking out the words "and the total amount of such taxes and penalty and the cost" in lines 12 and 13, page 4, and insert the words "in one suit."

On motion of Mr. Burmeister, further consideration of the bill was postponed until 2 o'clock p. m. today.

HOUSE BILL NO. 33 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act making it an offense to drive an automobile or any motor driven vehicle upon the streets of any incorporated city, town or village or upon the public highways under the influence of intoxicating liquor, and declaring an emergency."

The bill was read second time.

Mr. Price offered the following amendment to the bill:

Amend caption to House bill No. 33,

page 1, by inserting in the caption between the words "highways" and "under" the words "while the driver is."

The amendment was adopted.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 33, on page 1, lines 19 and 20, by striking out of line 19 the figure and words "one (1) month" and substituting in lieu thereof the words "thirty days," and by striking out of line 20 the words and figures "three (3) months" and substituting therefor the words "ninety days."

The amendment was adopted.

House bill No. 33 was then passed to engrossment.

HOUSE BILL NO. 33 ON THIRD READING.

Mr. Carpenter of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Mr. Speaker.	Edwards.
Abney.	Fields.
Amsler.	Finlay.
Arnold.	Fugler.
Atkinson.	Gipson.
Avis.	Greer.
Baker of Milam.	Harrington.
Baker of Orange.	Henderson
Baldwin.	of Marion.
Barker.	Hendricks.
Barrett.	Houston.
Beasley.	Howeth.
Bell.	Jacks.
Bonham.	Jennings.
Bryant.	Jones.
Burmeister.	Kemble.
Cable.	Lackey.
Carpenter	Laird.
of Dallas.	Lane.
Carpenter	LeMaster.
of Matagorda.	LeSturgeon.
Carter of Hays.	Looney.
Collins.	McFarlane.
Covey.	McNatt.
Cowen.	Mathes.
Crawford.	Maxwell.
Davenport.	Merritt.
Davis.	Miller.
DeBerry.	Morgan
Dodd.	of Liberty.
Downs.	Morgan
Driggers.	of Robertson.
Duffey.	Pate.
Dunn.	Patman.
Durham.	Perdue.

Pinkston.	Stell.
Pool.	Stevens.
Pope.	Stewart
Potter.	of Edwards.
Purl.	Stewart of Jasper.
Quaid.	Stewart of Reeves.
Quinn.	Stiernberg.
Rice.	Stroder.
Robinson.	Sweet.
Rountree.	Teer.
Rowland.	Thrasher.
Russell of Trinity.	Vaughan.
Sackett.	Wallace.
Sanford.	Westbrook.
Satterwhite.	Williamson.
Shearer.	Wilmans.
Simpson.	Wilson.
Smith.	Young.
Sparkman.	

Nays—2.

Hardin	Wessels.
of Kaufman.	

Absent.

Blount.	Loftin.
Carson.	McBride.
Chitwood.	McDaniel.
Coffee.	McDonald.
Dielmann.	Martin.
Dunlap.	Melson.
Green.	Montgomery.
Hardin of Erath.	Moore.
Harris.	Patterson.
Henderson	Price.
of McLennan.	Russell
Irwin.	of Callahan.
Johnson.	Shires.
Lamb.	Wells.
Lewis.	Winfree.

Absent—Excused.

Bird.	Lusk.
Bobbitt.	McKean.
Carter of Coke.	Merriman.
Culp.	Rogers.
Dinkle.	Storey.
Faubion.	Strickland.
Frnka.	Thompson.
Hughes.	Turner.
Hull.	

The Speaker then laid House bill No. 33 before the House on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 34 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act making it a felony for any

person to carry on or about his person while violating the liquor laws any weapon or arm mentioned in Article 475 of the Penal Code; prescribing the penalty, and declaring an emergency."

The bill was read second time.

Mr. Stroder offered the following amendment to the bill:

Amend House bill No. 34 by changing Section 2 to read Section 3, and insert a new Section 2, as follows:

"Section 2. If any person shall have on or about his person any weapon or arms mentioned in Article 475 of the Penal Code of 1911, as amended, and shall have in his possession at the same time any intoxicating liquor as defined in the prohibition laws of this State, which liquor was not procured from one who had a legal right to sell same, he shall be guilty of a felony, and upon conviction shall be confined in the State penitentiary for a period of time not less than one year, and not more than five years."

Mr. Jones offered the following amendment to the amendment:

Amend amendment to House bill No. 34 after the word "person," by adding the following: "or in any vehicle of whatever kind or character."

Mr. Patman offered the following substitute for the amendment to the amendment:

Amend House bill No. 34, after the word "liquor" in line 13, page 1, add the following: "or any other offense in violation of the law of Texas."

Mr. Jones moved to table the substitute by Mr. Patman.

MESSAGE FROM THE GOVERNOR.

Mr. John H. Johnson, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, April 26, 1923.

To the Members of the Second Called Session of the Thirty-eighth Legislature.

Gentlemen: I hereby submit to you for your legislative consideration, the following subject matters:

1. Highway legislation; giving county commissioners courts authority to condemn land for the purpose of laying out and building public highways; providing for the use of gravel, shell, and similar material belonging to the State,

used in public road building; and the condemnation generally of land, including right-of-way thereto, containing road building material; providing for safe crossings at the intersections of public highways and railroad tracks; regulating headlights on motor vehicles used on public roads; regulating motor trucks and jitney lines operating for hire on public roads; defining the weight and size of vehicles used on the public roads and the amount of tonnage to be carried at any one time on any of said vehicles; providing for an emergency upkeep and maintenance of the improved highways of Texas.

2. Laws relating to classing, grading, weighing, labeling, and marketing farm, orchard, and dairy products, and other articles of commerce.

3. Enactment of laws providing for, and regulating primary elections.

4. Extending oil and gas permits on lands which are now, or have been, under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time as such lands have been under the control of said receiver.

5. Amending law relating to navigation districts containing cities with a population exceeding one hundred thousand.

6. A law authorizing the State of Texas to co-operate with other cotton producing States in what is known as the work of the Cotton States Commission.

7. Local bills; creating the Velehrad County Line Common School District, composed of territory in Lavaca and Fayette counties; amending the Megargel Independent County Line School District law passed by the Thirty-eighth Legislature; amending the law creating Anahuac Independent School District in Chambers county; creating common and independent school districts in Hidalgo county; creating the Bernardo Independent School District in Colorado county; the creation and consolidation of common and independent school districts in Smith county, Bandera county, Montague county, Navarro county, Hall county; creating and incorporating the Quitaque Independent School District in Briscoe county; defining the limits of the McCaulley County Line Independent School District; creating and defining the limits of the Sylvester Independent School District in Fisher county; creating and defining the boundaries of common and independent school districts in Edwards county.

8. Amending the present Brazoria county road law.

9. A law providing for a tax and the license fee for the taking and selling of raw furs in Texas; a more effective and practical law protecting in Texas, game animals and wild birds.

Respectfully submitted,

PAT M. NEFF,
Governor.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Davenport:

H. B. No. 56, A bill to be entitled "An Act amending Article 3093 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Section — of Chapter 60 of the Acts of the Fourth Called Session of the Thirty-fifth Legislature, providing that the State Executive Committee of parties holding primary elections may prescribe qualifications for voters in such party primaries which shall be uniform throughout the State and shall be enforced by all county executive committees of such party."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Davenport:

H. B. No. 57, A bill to be entitled "An Act amending statutes relative to elections, general and primary, and the requirements of poll tax receipts; amending Article 2949 of the Revised Civil Statutes of the State of Texas of 1911, requiring poll tax receipts to show the name of the political party to which the person to whom it is issued belongs; amending Article 2950 of the Revised Civil Statutes of the State of Texas of 1911, requiring that every poll tax receipt form shall show the political party to which the person to whom such receipt is issued belongs; amending Article 2953 of the Revised Civil Statutes of the State of Texas of 1911, requiring that exemption certificates shall state the name of the political party to which the person procuring such certificate belongs; amending Article 2956 of the Revised Civil Statutes of the State of Texas of 1911, requiring duplicate copy of poll tax receipts and certificates of exemption to show the name of the political party of the person to whom such receipt or certificate of ex-

emption is issued; amending Article 2961 of the Revised Civil Statutes of the State of Texas of 1911, requiring that lists of poll tax payers show the name of the political party to which each of such tax payers belongs; providing a new section to be numbered 2961a, providing that during the month of April in any year voters may change their party affiliations and requiring a record be kept of such changes and requiring further that a list of voters changing party affiliations shall be furnished presiding judges of all party primary elections; amending Article 3116 of the Revised Civil Statutes of the State of Texas of 1911 by providing that the list of voters used in the primary elections shall show the name of the political parties to which such voters belong, respectively, and providing that persons who have declared themselves to belong to one political party shall not be allowed to vote in a primary election of any other party; amending Article 3118 of the Revised Civil Statutes of the State of Texas of 1911 by providing that the same precautions provided by law to secure the purity of the ballot box of general elections shall in all respects apply to primary elections."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Davenport:

H. B. No. 58, A bill to be entitled "An Act amending Article 3084 of the Revised Civil Statutes of the State of Texas of 1911, requiring candidates of certain political parties to be nominated by primary elections; all primary elections in this State to be held on the same day; amending Article 3089 of the Revised Civil Statutes of the State of Texas of 1911, providing that members of county executive committees shall in all cases be appointed by the chairman, or, that in the event that he fails, such appointment may be made by the committee."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Henderson of Marion, Mr. Sanford and Mr. Fugler:

H. B. No. 59, A bill to be entitled "An Act defining 'Commission,' 'public road,' 'highway,' 'railroad,' 'railroad grade crossing,' 'separation of grades,' 'underpass,' 'overpass'; authorizing the State Railroad Commission to curtail the construction of railroad grade crossings and to provide for the

elimination of railroad grade crossings already constructed, in certain cases; to authorize the Railroad Commission to conduct hearings and issue orders and decisions in respect to the construction of underpasses and overpasses, and elimination of railroad grade crossings already constructed, authorizing the acquiring of additional right-of-way, providing for maintenance of underpasses and overpasses, providing for maintenance of underpasses and overpasses, providing for apportionment of the expenses of crossings constructed under the provision of this act, providing the manner of enforcing the orders issued by the Railroad Commission pursuant hereto, providing right of appeal from the decisions of the Railroad Commission, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Stewart of Reeves:

H. B. No. 60, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Lewis:

H. B. No. 61, A bill to be entitled "An Act recognizing certain agricultural, vegetable and fruit crops and live stock as being the basis of the agricultural resources of the State, and declaring insect pests, plant diseases, rodent, wild animal pests that depredate upon such crops a menace; defining the words 'standard insecticide,' 'standard fungicide,' 'poisoned baits' and 'disinfectant'; making it the duty of the Commissioner of Agriculture of this State to destroy and eradicate such pests as far as possible; authorizing the Commissioner of Agriculture to quarantine against any areas without the State infested by dangerous insect pests, plant disease and other pests; authorizing the Commissioner of Agriculture to quarantine any area within the State

found to be infested with any dangerous insect pest, plant disease, rodent, wild animal or other pests, and authorizing him to require remedial measures to be undertaken within such quarantine area for the eradication of such pests and the prevention of damage; providing for the commissioners court of the counties to hold public hearings to make recommendation to the Commissioner of Agriculture for such quarantine districts; making it the duty of the commissioners court to co-operate with the Commissioner of Agriculture in the enforcement of this act, and authorizing the commissioners court to appropriate moneys out of the general funds to pay expenses incurred in the administration of this act; providing penalties for violation of this act, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Finlay, Mr. Sanford and Mr. Shearer:

H. B. No. 62, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring such animals to be the property of the State; providing for a trapping license and for a severance tax on all raw furs taken and sold, and providing a lien for such taxes; permitting land owners and tenants, and their children to trap during open season without license, and to kill at any time any of such animals found damaging property; providing for the disposition of fees and taxes; defining offenses, and providing penalties for the violation of same; making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Shearer:

H. B. No. 63, A bill to be entitled "An Act amending Section 1, Chapter 3, of the Acts of the Thirty-fifth Legislature, Third Called Session, entitled 'An Act creating the Anahuac Independent School District in Chambers county, Texas,' by redefining and adding to the Anahuac Independent School District certain territory now embraced in Common School District No. 20 of Chambers county, Texas, divesting the said Common School District No. 20 of the control of the public free schools within the limits of the territory herein added to said Anahuac Independent School Dis-

trict and investing the said Anahuac Independent School District with full control of the public free schools within the limits of said independent school district as herein defined, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. LeSturgeon, Mr. Hardin of Kaufman and Mr. Collins:

H. B. No. 64, A bill to be entitled "An Act to empower municipal corporations and county commissioners courts licensing and regulating public indoor recreating places; limiting license to adult citizens of the United States; providing for revocation of license; compelling operators of such places to conform to regulations; providing for license tax and fixing penalties for violations; prohibiting minors and vagrants from loitering in such places; prohibiting blinds and other obstructions; regulating hours of opening and closing, exempting student organizations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. McNatt and Mr. Fugler:

H. B. No. 65, A bill to be entitled "An Act to limit the weights of wagons or other vehicles drawn or propelled by muscular power which may be operated on the public highways; providing for the issuing of special permits to move or operate vehicles with gross weights greater than those prescribed in this act in certain cases, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Fugler and Mr. Williamson:

H. B. No. 66, A bill to be entitled "An Act regulating the lighting of all motor vehicles in Texas, providing for the testing of such lighting devices and the approval of same by the State Highway Commission before being used on any motor vehicle operated within this State; giving the Highway Commission power to conduct such test, and providing that they shall charge a fee sufficient to cover the actual expense of conducting such test; providing penalties for the violation of this act, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Fugler, Mr. Melson, Mr. Moore, Mr. Collins, Mr. Carpenter of

Dallas, Mr. Maxwell, Mr. Harrington and Mr. Russell of Callahan:

H. B. No. 67, A bill to be entitled "An Act providing for the supervision and regulation of the transportation of persons and property for compensation or hire over any public highway by motor propelled vehicles; defining auto transportation companies as common carriers, and providing for the supervision and regulation thereof by the Railroad Commission of Texas; providing for the issuance of certificates of convenience and necessity for the operation of auto transportation companies; providing for the furnishing of liability insurance or a surety bond by auto transportation companies; defining the duties and powers of the Railroad Commission of Texas over auto transportation companies, authorizing the Railroad Commission of Texas to make rules and regulations for governing auto transportation companies, to fix rates, supervise service, make investigation of books, accounts, and the doing of all other matters and things pertaining to auto transportation that may be necessary in the matter of regulation and control; authorizing the Railroad Commission of Texas to punish for contempt for the violation of its rules and regulations; providing a penalty for the violation of the law and the rules and regulations of the Railroad Commission of Texas; providing for the collection of an annual fee to defray the cost of administering and enforcing this law, and the payment of such employes and all other expense out of the funds derived from fees and fines, and providing for payment in event of deficit, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Wells:

H. B. No. 68, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every inhabitant of said city over the age of twenty-one years (idiots and lunatics excepted), who is a resident thereof at the time of such annual assessment, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Carpenter of Dallas and Mr. Burmeister:

H. B. No. 69, A bill to be entitled

"An Act extending oil and gas permits on lands which are now or have been in the possession or under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time, respectively, as such lands have been or may be in such receiver's possession or under his control, and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

By Mr. Cowen, Mr. Arnold and Mr. Winfree:

H. B. No. 70, A bill to be entitled "An Act amending Article 5980, relating to bonds of navigation and canal commissioners; Article 5995, relating to contractors' bond to navigation and canal commissioners; Article 5997, relating to payments to contractors during progress of work; Title 96, Revised Civil Statutes of Texas, 1911, so that articles shall hereafter read as herein provided; and further amending Section 11 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation districts, so that said Section 11 may hereafter read as herein provided; and providing that the constitutionality of any part of this act does not invalidate the remainder; prescribing that all laws, or parts of laws in conflict herewith are repealed, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Davenport:

H. B. No. 71, A bill to be entitled "An Act amending Article 3089 of the Revised Civil Statutes of the State of Texas of 1911 by adding a new section to be numbered Article 3089a, requiring judges, clerks and supervisors of primary elections to see that none but persons qualified shall participate in party primaries, and empowering judges, clerks and supervisors to conduct examinations into qualifications and rights of voters to participate in party primaries, and providing that examinations may be conducted under oath."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Davenport and Mr. Beasley:

H. B. No. 72, A bill to be entitled "An Act amending Article 2093 of the Revised Civil Statutes of the State of Texas of 1911 by adding a new section

following said article to be numbered 3093a, providing that any qualified elector under the laws and Constitution who is a Democrat shall be eligible to participate in Democratic primaries, but declaring that in no event shall a negro participate in a Democratic primary in the State of Texas."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Westbrook and Mr. Merritt:

H. B. No. 73, A bill to be entitled "An Act to amend Chapter 37 of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, being an act to amend certain articles of Chapter 5, Title 14, Revised Civil Statutes, 1911, and certain articles of Title 131, Revised Civil Statutes, 1911; and Chapter 126 of the Acts of the Regular Session of the Thirty-sixth Legislature of Texas, being an act to establish a uniform warehouse receipt, and Chapter 54 of the Second Called Session of the Thirty-sixth Legislature of Texas, being an act to amend Article 7819, Revised Civil Statutes, 1911; providing for the conduct of the business of public warehousemen; defining certain terms used in this act; defining who are public warehousemen; providing that all persons shall obtain certificate from the Commissioner authorizing the operation of public warehouses; requiring bond to be filed; providing for inspection of warehouses before issuing certificate; requiring records to be kept; providing for inspection and examinations; requiring quarterly reports and prescribing contents of same; requiring other reports to be made on request of Commissioner; providing for cancelling of certificates of warehousemen; prescribing duties of public warehousemen and providing for liens to secure their charges; providing for the enforcement of liens; providing for a uniform receipt; providing for its issuance and defining a warehouseman's powers, duties and liabilities thereunder; providing penalties for the enforcement of this act; repealing certain criminal statutes and certain civil statutes and all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Baker of Milam:

H. B. No. 74, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to

be the property of the State; providing for the issuance of trappers' licenses and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof; making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Merritt:

H. B. No. 75, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of Texas of 1911, providing that citizens of Texas who are qualified electors who shall reach the age of twenty-one years after the first day of February and before the day of the following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Covey:

H. B. No. 76, A bill to be entitled "An Act providing for the organization of pools and pooling organizations by banking and other corporations and co-operative associations composed of persons engaged in producing, or producing and marketing staple agricultural products, or live stock, or both; providing for their co-operation with the Federal law affecting loans for agricultural and live stock purposes; providing for the borrowing of money by such pooling organizations upon bonded warehouse receipts and live stock mortgages; limiting the interest rate that may be charged; providing for margins; prescribing the maximum term of such loans; fixing limitations on the amount that may be loaned by such pooling organizations; providing for the use and ownership of bonded warehouses, and providing a plan of marketing the products; requiring bond of such organizations to be approved by the commissioners court of the county where organized, and filed with the Commissioner of Markets and Warehouses; requiring quarterly reports to the Commissioner of Markets and Warehouses, and prescribing penalties for the violation of this act."

Referred to Committee on Agriculture.

By Mr. Stewart of Edwards:

H. B. No. 77, A bill to be entitled "An Act to authorize any county for the purpose of constructing and maintaining and operating public roads whether such roads are macadamized, graveled or paved, or built of other materials, to use timber, earth, sand, stone, gravel or other necessary materials convenient therefor, and to provide for the condemnation of such road material, and prescribing condemnation proceedings, and providing compensation for such material, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Cable:

H. B. No. 78, A bill to be entitled "An Act creating and defining the Ringgold Independent School District, Montague county, Texas, out of the territory known as Ringgold Independent School District in Montague county, Texas, for free school purposes only, and defining its boundaries; providing for the extension of its boundaries; repealing Chapter 44, House bill No. 540, Local and Special Laws, Thirty-sixth Legislature, passed at its Regular Session; vesting the Ringgold Independent School District, Montague county, Texas, with the exclusive control of its public free schools, and vesting the title to all property in said district; providing for the present trustees to continue in office for the term to which elected, and conferring upon the board plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance of public free schools in said district; providing authority to appoint a board of equalization in said district, and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purpose of purchasing school buildings, sites, and erecting and equipping school buildings within said district, and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated; providing that the bonds heretofore issued by the Ringgold Independent School District shall be a charge against the district herein created; and that all outstanding indebtedness owing by the said district shall likewise be charged against the district herein created; providing for the repeal of all laws in conflict with any provision hereof, and further providing that if any section or part hereof is at any

time declared to be unconstitutional, it should not affect the other provisions hereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Cable:

H. B. No. 79, A bill to be entitled "An Act creating the Montague Independent School District in Montague county, Texas; defining its boundaries, including the Montague Independent School District No. 7, divesting Montague Independent School District No. 7 of title to all school property in said district, and vesting the same in the Montague Independent School District and its board of trustees; conferring upon said district and its board of trustees all the right, power, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Patman:

H. B. No. 80, A bill to be entitled "An Act to amend Article 7374 of the Revised Civil Statutes of 1911, levying an occupation tax on all persons, firms, companies, corporations, common law trusts, associations operating under a declaration of trust, or any other association or concern, of whatever name known, or howsoever organized, formed or created, owning, managing or operating any pipe line or pipe lines within this State, based upon gross receipts derived from business done within this State in intrastate commerce, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Lackey:

H. B. No. 81, A bill to be entitled "An Act to preserve, propagate, distribute, and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses, and providing penalties for violations of same; providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners, and prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this act; repealing certain laws, and all laws,

special and general, in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 20, to the Committee on Appropriations.

RECESS.

Mr. Lackey moved that the House recess to 2:30 o'clock p. m. today.

Mr. Moore moved that the House recess to 3 o'clock p. m. today.

Mr. Bonham moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Moore prevailed and the House accordingly, at 12 o'clock m., took recess to 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

BILL ORDERED PRINTED.

Mr. Abney moved that House bill No. 13, reported adversely with a minority favorable report, be printed.

Mr. Wallace raised a point of order on consideration of the bill at this time on the ground that the subject matter of the bill has not been submitted by the Governor.

The Speaker overruled the point of order.

Question recurring on the motion to print, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—62.

Amsler.	Durham.
Arnold.	Fields.
Baker of Orange.	Fugler.
Barrett.	Hardin of Erath.
Bell.	Harrington.
Burmeister.	Hendricks.
Carpenter	Jacks.
of Matagorda.	Jennings.
Carson.	Johnson.
Carter of Hays.	Kemble.
Chitwood.	Lackey.
Cowen.	Lane.
Davis.	Lewis.
Dinkle.	McDonald.
Driggers.	McFarlane.
Dunlap.	McNatt.

Maxwell.	Russell of Trinity.
Melson.	Shearer.
Merritt.	Simpson.
Montgomery.	Smith.
Morgan	Sparkman.
of Liberty.	Stewart
Morgan	of Edwards.
of Robertson.	Stewart of Reeves.
Pate.	Stiernberg.
Perdue.	Stroder.
Pinkston.	Teer.
Potter.	Thrasher.
Purl.	Vaughan.
Quinn.	Westbrook.
Rice.	Wilmans.
Robinson.	Wilson.
Rountree.	Winfree.
Rowland.	

Nays—38.

Abney.	Howeth.
Atkinson.	Jones.
Avis.	Looney.
Baker of Milam.	McDaniel.
Barker.	Mathes.
Blount.	Moore.
Bonham.	Patman.
Cable.	Pool.
Collins.	Price.
DeBerry.	Quaid.
Dodd.	Sackett.
Downs.	Satterwhite.
Duffey.	Stell.
Dunn.	Stevens.
Green.	Stewart of Jasper.
Greer.	Sweet.
Hardin	Wallace.
of Kaufman.	Wessels.
Harris.	Young.

Present—Not Voting.

Mr. Speaker.	Houston.
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Absent.

Beasley.	Irwin.
Bird.	Laird.
Bryant.	Lamb.
Carpenter	LeMaster.
of Dallas.	LeSturgeon.
Coffee.	Loftin.
Covey.	Martin.
Crawford.	Miller.
Dielmann.	Patterson.
Edwards.	Pope.
Finlay.	Russell
Gipson.	of Callahan.
Henderson	Sanford.
of Marion.	Shires.
Henderson	Wells.
of McLennan.	Williamson.
Hughes.	

Absent—Excused.

Baldwin.	Culp.
Bobbitt.	Davenport.
Carter of Coke.	Faubion.

Frnka.	Rogers.
Hull.	Storey.
Lusk.	Strickland.
McBride.	Thompson.
McKean.	Turner.
Merriman.	

LEAVE OF ABSENCE GRANTED.

On motion of Mr. Dunlap, Mr. Blount was granted leave of absence indefinitely on account of sickness.

HOUSE BILL NO. 34 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 34, making it a felony for any person to carry weapons while violating the liquor law, on its passage to engrossment, with amendment by Mr. Stroder and amendment by Mr. Jones to the amendment, and substitute by Mr. Patman for the amendment to the amendment pending.

Mr. Patman withdrew the pending substitute.

Question then recurring on the amendment by Mr. Jones to the amendment, it was adopted.

Question then recurring on the amendment as amended, it was adopted.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 34, after the word "liquor" in line 13, page 1, add the following: "or any other offense in violation of the laws of Texas where the punishment is prescribed by imprisonment or by a fine exceeding \$100."

Mr. Jones moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—80.

Abney.	Crawford.
Amsler.	DeBerry.
Avis.	Dinkle.
Baker of Milam.	Downs.
Baker of Orange.	Durham.
Baldwin.	Fields.
Barrett.	Fugler.
Bell.	Gipson.
Bonham.	Greer.
Bryant.	Hardin of Erath.
Burmeister.	Hardin
Carson.	of Kaufman.
Carter of Hays.	Harrington.
Chitwood.	Henderson
Coffee.	of Marion.
Collins.	Hendricks.
Covey.	Howeth.
Cowen.	Hull.

Jacks.	Purl.
Jennings.	Quaid.
Jones.	Quinn.
Kemble.	Rice.
Lackey.	Robinson.
Lane.	Rountree.
Lewis.	Russell of Trinity.
Looney.	Sackett.
McDonald.	Sanford.
McFarlane.	Satterwhite.
McNatt.	Shires.
Mathes.	Simpson.
Melson.	Sparkman.
Merritt.	Stell.
Miller.	Stevens.
Morgan	Stewart
of Liberty.	of Edwards.
Morgan	Stewart of Jasper.
of Robertson.	Stroder.
Patterson.	Thrasher.
Perdue.	Westbrook.
Pool.	Wessels.
Pope.	Willmans.
Potter.	Winfree.
Price.	

Nays—19.

Atkinson.	Laird.
Davis.	McDaniel.
Dodd.	Martin.
Driggers.	Patman.
Duffey.	Rowland.
Finlay.	Stiernberg.
Green.	Vaughan.
Harris.	Wallace.
Houston.	Wilson.
Johnson.	

Present—Not Voting.

Mr. Speaker.	Young.
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Absent.

Arnold.	LeMaster.
Barker.	LeSturgeon.
Beasley.	Loftin.
Bird.	McKean.
Cable.	Maxwell.
Carpenter	Montgomery.
of Dallas.	Moore.
Carpenter	Pate.
of Matagorda.	Pinkston.
Dielmann.	Russell
Dunlap.	of Callahan.
Dunn.	Shearer.
Edwards.	Smith.
Henderson	Stewart of Reeves.
of McLennan.	Sweet.
Hughes.	Teer.
Irwin.	Wells.
Lamb.	Williamson.

Absent—Excused.

Blount.	Davenport.
Bobbitt.	Faubion.
Carter of Coke.	Frnka.
Culp.	Lusk.

McBride.
Merriman.
Rogers.
Storey.

Strickland.
Thompson.
Turner.

Mr. Greer offered the following amendment to the bill:

Amend House bill No. 34, line 16, page 1, by adding after the word "years" in said line the following clause: "Provided that this act shall not be construed as repealing or superseding any law on the subject of intoxicating liquors, or any law against the bearing of weapons or arms, but is in addition to and cumulative of all such laws."

The amendment was adopted.

Mr. Harris offered the following amendment to the bill:

Amend House bill No. 34, Section 1, line 13, by adding after the word "liquor" the phrase: "or while participating in a masked parade."

Mr. Burmeister raised a point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Wessels offered the following amendment to the bill:

Amend House bill No. 34 by striking out the enacting clause.

On motion of Mr. Dodd, the amendment was tabled.

House bill No. 34 was then passed to engrossment.

Mr. Greer moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 14 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business on its passage to engrossment, House bill No. 14, providing for the collection of delinquent taxes, with amendment by Mr. Pope and substitute by Mr. Bonham for the amendment, pending.

On motion of Mr. Smith, further consideration of the bill was postponed until 10 o'clock a. m. next Monday.

HOUSE BILL NO. 11 ON FINAL PASSAGE.

The Speaker laid before the House, as postponed business, on its final passage, House bill No. 11, relating to col-

lecting delinquent taxes, with amendment by Mr. Quinn pending.

Mr. Quinn withdrew the pending amendment and offered the following amendment:

Amend House bill No. 11, page 4, by striking out that part of line 10 after the word "for," striking out all of lines 11 and 12, and the first three words of line 13, and substituting in lieu thereof the following: "the total amount of taxes, penalty, and costs that are unpaid on the lands described in the petition, for all years since the first day of January, 1908," and by inserting after the word "annum," in line 14, the following: "all of which shall be included in one suit."

The amendment was adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 11, page 8, line 25, Section 6, by adding the following to said section: "The term tract in this bill shall be construed to mean all lands or lots in any survey, addition or subdivision or part thereof owned by the party or parties being sued for delinquent taxes."

The amendment was lost.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 11, page 8, line 22, by inserting after the word "therefrom" the following: "but such fees shall nevertheless be collected as a part of the costs of suit and applied on the payment of the compensation allowed the attorney prosecuting the suit."

Mr. Abney offered the following substitute for the amendment:

Substitute for amendment to House bill No. 11 by striking from page 8 all of line 5 after the word "before" and all of lines 6 to 25, inclusive, and insert in lieu thereof: "the collection of any delinquent State and county taxes that are more than two years past due where suit has not been filed to collect such taxes, and such attorney shall receive the fees allowed to county attorneys for the collection of delinquent taxes, and in case such attorney is employed he shall be authorized to proceed to collect such taxes by suit without the joinder or assistance of the county attorney."

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 11, and the call was duly seconded.

The Speaker then directed the Door-

keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Burmeister, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was called and a quorum was announced present.

Question then recurring on the substitute by Mr. Abney, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—28.

Abney.	Loftin.
Arnold.	McDaniel.
Baker of Milam.	Martin.
Cable.	Merritt.
Covey.	Patman.
Crawford.	Pinkston.
Davis.	Pool.
Dodd.	Pope.
Finlay.	Sanford.
Gipson.	Stell.
Greer.	Stevens.
Hardin	Stroder.
of Kaufman.	Wallace.
Howeth.	Wessels.

Nays—65.

Amsler.	Henderson
Atkinson.	of McLennan.
Avis.	Hendricks.
Baker of Orange.	Hull.
Barker.	Jennings.
Barrett.	Jones.
Beasley.	Kemble.
Bell.	Lackey.
Bonham.	Lane.
Burmeister.	LeMaster.
Carpenter	Lewis.
of Matagorda.	Looney.
Carson.	McFarlane.
Carter of Hays.	McNatt.
Coffee.	Mathes.
Collins.	Melson.
Cowen.	Montgomery.
DeBerry.	Morgan
Dinkle.	of Liberty.
Downs.	Pate.
Driggers.	Perdue.
Duffey.	Potter.
Dunlap.	Price.
Dunn.	Purl.
Durham.	Quaid.
Fugler.	Rice.
Green.	Robinson.
Hardin of Erath.	Rowland.
Henderson	Sackett.
of Marion.	Satterwhite.

Shearer.	Sweet.
Shires.	Teer.
Simpson.	Westbrook.
Stewart	Williamson.
of Edwards.	Winfree.
Stewart of Jasper.	

Present—Not Voting.

Mr. Speaker.	Johnson.
Bryant.	Quinn.
Chitwood.	Rountree.
Harrington.	Russell of Trinity.
Harris.	Stiernberg.
Houston.	Young.

Absent.

Bird.	Moore.
Carpenter	Morgan
of Dallas.	of Robertson.
Dielmann.	Patterson.
Edwards.	Russell
Fields.	of Callahan.
Hughes.	Smith.
Irwin.	Sparkman.
Jacks.	Stewart of Reeves.
Laird.	Thrasher.
Lamb.	Vaughan.
LeSturgeon.	Wells.
McDonald.	Wilmons.
Maxwell.	Wilson.
Miller.	

Absent—Excused.

Baldwin.	McBride.
Blount.	McKean.
Bobbitt.	Merriman.
Carter of Coke.	Rogers.
Culp.	Storey.
Davenport.	Strickland.
Faubion.	Thompson.
Frnka.	Turner.
Lusk.	

Question then recurring on the amendment by Mr. Bonham, it was adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 11, page 6, line 26, by inserting in said line 26, next after the word "for," the word "are."

The amendment was adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 11, page 2, by inserting in line 6, after the word "officer," the following: "but failure to send or failure to receive such notice shall be no defense to a suit brought for taxes."

The amendment was adopted.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 11, page 4,

line 22, by adding at the close of the line the following words: "provided that if through mistake, oversight or otherwise, any tax due is omitted from such suit, such omission shall not be any defense against the collection of the tax due and sued for."

The amendment was adopted.

Mr. Perdue offered the following amendment to the bill:

Amend House bill No. 11 by inserting the word "after" so as to follow the word "until," in line 31, page 8.

The amendment was adopted.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 11 by striking out of the bill the words and sentences from and including the word "provided" in line 2, page 8, down to and including the word "attorney," in line 25, page 8.

Mr. Jones moved the previous question on the pending amendment and the bill and the main question was ordered.

Question recurring on the amendment by Mr. Patman, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—35.

Abney.	Loftin.
Arnold.	McDaniel.
Atkinson.	Martin.
Baker of Milam.	Merritt.
Barker.	Morgan
Bryant.	of Robertson.
Cable.	Patman.
Covey.	Pinkston.
Crawford.	Pope.
Davis.	Quinn.
DeBerry.	Rountree.
Dodd.	Sanford.
Finlay.	Stevens.
Greer.	Stewart of Reeves.
Hardin	Sweet.
of Kaufman.	Thrasher.
Henderson	Vaughan.
of McLennan.	Wallace.
Howeth.	Wessels.

Nays—70.

Amsler.	Carter of Hays.
Avis.	Chitwood.
Baker of Orange.	Collins.
Barrett.	Cowen.
Bell.	Dinkle.
Bonham.	Downs.
Burmeister.	Driggers.
Carpenter	Duffey.
of Matagorda.	Dunlap.
Carson.	Dunn.

Durham.	Pate.
Fields.	Perdue.
Fugler.	Pool.
Gipson.	Potter.
Green.	Purl.
Hardin of Erath.	Quaid.
Harrington.	Rice.
Henderson	Robinson.
of Marion.	Rowland.
Hendricks.	Russell of Trinity.
Hull.	Sackett.
Jennings.	Satterwhite.
Johnson.	Shearer.
Jones.	Shires.
Kemble.	Simpson.
Lackey.	Smith.
Lane.	Sparkman.
LeMaster.	Stewart
Lewis.	of Edwards.
Looney.	Stewart of Jasper.
McDonald.	Stiernberg.
McFarlane.	Stroder.
McNatt.	Teer.
Mathes.	Williamson.
Melson.	Wilson.
Montgomery.	Winfree.
Morgan	
of Liberty.	

Present—Not Voting.

Mr. Speaker.	Westbrook.
Houston.	Young.
Stell.	

Absent.

Beasley.	Lamb.
Bird.	LeSturgeon.
Carpenter	Maxwell.
of Dallas.	Miller.
Coffee.	Moore.
Dielmann.	Patterson.
Edwards.	Price.
Harris.	Russell
Hughes.	of Callahan.
Irwin.	Wells.
Jacks.	Wilmans.
Laird.	

Absent—Excused.

Baldwin.	McBride.
Blount.	McKean.
Bobbitt.	Merriman.
Carter of Coke.	Rogers.
Culp.	Storey.
Davenport.	Strickland.
Faubion.	Thompson.
Frnka.	Turner.
Lusk.	

Mr. Bonham offered the following amendment to the bill:

Amend caption to House bill No. 11, page 1, line 24, by changing the figure "3" in said line to "5."

The amendment was adopted.

Question then recurring on the final

passage of the bill, yeas and nays were demanded.

House bill No. 11 was then passed by the following vote:

Yeas—72.

Amsler.	Lewis.
Arnold.	Loftin.
Avis.	McFarlane.
Baker of Orange.	McNatt.
Barrett.	Mathes.
Bonham.	Melson.
Burmeister.	Montgomery.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Morgan
Carter of Hays.	of Robertson.
Chitwood.	Pate.
Collins.	Perdue.
Cowen.	Pope.
DeBerry.	Potter.
Dinkle.	Price.
Dodd.	Quaid.
Driggers.	Quinn.
Duffey.	Robinson.
Dunlap.	Rowland.
Dunn.	Russell of Trinity.
Durham.	Sackett.
Fields.	Satterwhite.
Fugler.	Shearer.
Gipson.	Simpson.
Green.	Smith.
Harrington.	Sparkman.
Henderson	Stevens.
of Marion.	Stewart
Hendricks.	of Edwards.
Houston.	Stiernberg.
Hull.	Teer.
Jennings.	Thrasher.
Jones.	Wessels.
Kemble.	Williamson.
Lackey.	Wilson.
Laird.	Winfree.
Lane.	Young.
LeMaster.	

Nays—33.

Abney.	Howeth.
Atkinson.	Looney.
Baker of Milam.	McDaniel.
Barker.	Martin.
Bryant.	Merritt.
Cable.	Patman.
Covey.	Pinkston.
Crawford.	Purl.
Davis.	Sanford.
Downs.	Stell.
Finlay.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Hardin of Erath.	Stroder.
Hardin	Sweet.
of Kaufman.	Vaughan.
Henderson	Wallace.
of McLennan.	Westbrook.

Present—Not Voting.

Harris.	Rountree.
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Absent.

Beasley.	LeStourgeon.
Bell.	McDonald.
Bird.	Maxwell.
Carpenter	Miller.
of Dallas.	Moore.
Coffee.	Patterson.
Dielmann.	Pool.
Edwards.	Rice.
Hughes.	Russell
Irwin.	of Callahan.
Jacks.	Shires.
Johnson.	Wells.
Lamb.	Wilmons.

Absent—Excused.

Baldwin.	McBride.
Blount.	McKean.
Bobbitt.	Merriman.
Carter of Coke.	Rogers.
Culp.	Storey.
Davenport.	Strickland.
Faubion.	Thompson.
Frnka.	Turner.
Lusk.	

Reason for Vote.

I vote "nay" on House bill No. 11 for the reason that it has the effect of creating another office in each county of the State to do the work of an officer already elected and who should be compelled to perform his duty.

FINLAY.

SPECIAL ORDER SET.

On motion of Mr. Harris, House bill No. 49 was set as a special order for 10 o'clock a. m. tomorrow.

BILL RE-REFERRED.

On motion of Mr. Finlay, House bill No. 62 was withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Game and Fisheries.

ADJOURNMENT.

On motion of Mr. Jones, the House, at 5:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports today on bills as follows:

State Affairs—House bill No. 70.

Revenue and Taxation—House bill No. 12.

The following standing committee has filed adverse report today on bills as follows:

Revenue and Taxation—House bills Nos. 27, 8.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 26, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 11, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes on land; providing compensation for the county attorney and other officials for service rendered in collecting such taxes; further providing for the employment of a special attorney to assist in collecting such taxes, amending Section 1 of Chapter 147 of the Acts

of the Regular Session of the Thirty-fourth Legislature as amended by Section 1 of Chapter 64 of the General Laws passed at the Second Called Session of the Thirty-sixth Legislature, amending Section 2 of Chapter 147 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fourth Legislature; amending Articles 7688, 7689, 7691, 7692, 7696, 7699; repealing Article 7687 of the Revised Civil Statutes of the State of Texas of 1911, and Section 3, Chapter 147, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature as amended by Section 2, Chapter 64, of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature; adding to Chapter 13 of Title 126 of the Revised Statutes of Texas of 1911 a new article to be known as Article 7689a, limiting the defenses that may be urged in defense of a suit for delinquent taxes; repealing all laws in conflict with the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

In Memory
of
Hon. A. Frank Brigance

Mr. Rountree offered the following resolution:

Whereas, It has come to the knowledge of the House of Representatives of the Thirty-eighth Legislature that Hon. A. Frank Brigance of Grimes county, Texas, passed away suddenly at his home in Navasota on the 16th day of February, 1923, and has gone to his last reward, after a useful and eventful life; and

Whereas, Mr. Brigance was an able lawyer, an upright citizen, and patriotic man, and a member of the Twenty-fourth and Twenty-fifth Legislatures, where he served with distinction and fidelity to his oath, his constituents, and the Constitution of his State and nation; therefore, be it

Resolved, That we extend to the family, relatives, and friends of our departed co-laborer our deepest sympathy as they "pass under the rod"; and that a copy of this resolution be furnished to the family by the Chief Clerk of the House of Representatives, and a page in the Journal be set aside for this resolution, and that when the House of Representatives adjourns today it shall be out of respect of his memory.

The resolution was read second time and was adopted by a rising vote.